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Attorney for Defendant
DELFINO OSORIO PADILLA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 99-452 FCD
)	
Plaintiff,)	STIPULATED MOTION AND ORDER TO
)	REDUCE SENTENCE PURSUANT TO 18
v.)	U.S.C. § 3582(c)(2)
)	
DELFINO OSORIO PADILLA,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	
_____)	

Defendant, DELFINO OSORIO PADILLA, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Executive Assistant U.S.
Attorney Carolyn K. Delaney, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. On October 24, 2000, this Court sentenced Mr. Padilla to a
term of imprisonment of 151 months;

3. The sentencing range applicable to Mr. Padilla was

subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

4. Mr. Padilla's adjusted offense level has been reduced from 29 to 27, and a sentence at the low end of the new guideline range is 133 months;

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Padilla's term of imprisonment to an aggregate term of 130 months.

Dated: July 15, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Carolyn K. Delaney
CAROLYN K. DELANEY
Executive Assistant U.S. Attorney
Attorney for Plaintiff
UNITED STATES OF AMERICA

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender
Attorney for Movant
DELFINO OSORIO PADILLA

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On October 24, 2000, this Court sentenced Mr. Padilla to a term of imprisonment of 151 months. The parties agree, and the Court finds, that Mr. Padilla is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense level from 29 to 27.

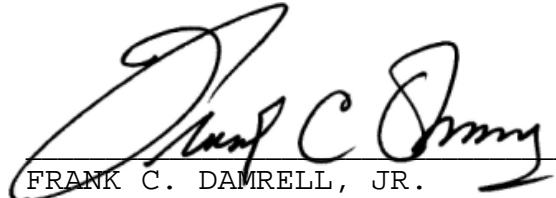
IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to an aggregate term of 130 months.

STIPULATED MOTION and ORDER REDUCING SENTENCE

1 IT IS FURTHER ORDERED that all other terms and provisions of the
2 original judgment remain in effect.

3 Unless otherwise ordered, Mr. Padilla shall report to the United
4 States Probation office closest to the release destination within
5 seventy-two hours after his release.

6 Dated: July 18, 2008

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8 
9 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE